

April 19, 2018

ENERGY & ENVIRONMENT COMMITTEE  
REPORT NO. 7

ALL MEMBERS PRESENT, EXCEPT LEGISLATOR HARDWICK.  
CHAIR SAVAGE PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
- a. COMM. 14E-12 (2017)  
**BURKE** “Letter to NYS Department of Environmental Conservation Commissioner Regarding Proposed County Ban on Consumer Use of Neonicotinoids”  
(Chair’s ruling)

b. INTRO. 6-2 (2018)  
**LOUGHRAN** “Erie County Water Authority”  
(Chair’s ruling)

c. COMM. 6D-8 (2018)  
**MAJORITY COUNSEL** “Legal Opinion Regarding INTRO. 6-2 (2018), Erie County Water Authority”  
(Chair’s ruling)

d. COMM. 7E-21 (2018)  
**COUNTY EXECUTIVE** “ECSD No. 3 - Contract Close-Out - South Buffalo Electric, Inc. - Elma Pumping Station Improvements - Electrical”  
(Chair’s ruling)

e. COMM. 7E-27 (2018)  
**COUNTY EXECUTIVE** “ECSD Nos. 3 & 8 - Construction Inspection Term Contract Agreement”  
(Chair’s ruling)

f. COMM. 7M-2 (2018)  
**NYS URBAN DEVELOPMENT CORP.** “Notice of Proposed Lead Agency Designation - Proposed Buffalo Blueway Capital Project - City of Buffalo & Town of West Seneca”  
(Chair’s ruling)

2. COMM. 7E-18 (2018)  
**COUNTY EXECUTIVE**  
WHEREAS, several waterline breaks have occurred at the Erie County Clarence Highway Facility that required emergency repairs; and  
  
WHEREAS, replacement is necessary to ensure downtime and emergency repair costs are greatly minimized; and  
  
WHEREAS, the Erie County Department of Public Works received bids for the Erie County Clarence Highway Facility – Waterline Replacement project (herein the “Project”) on February 26, 2018; and  
  
WHEREAS, the lowest responsible bidder for the Project is Ledge Creek Development, Inc.; and  
  
WHEREAS, the Erie County Department of Public Works is recommending award of the contract to the lowest responsible bidder.  
  
NOW, THEREFORE, BE IT  
  
RESOLVED, that the County Executive is authorized to enter into a contract with the lowest responsible bidder for the Project for an amount not to exceed as follows:  
  

<u>Waterline Construction Work</u>		
<u>Ledge Creek Development, Inc.</u>	<u>Base Bid:</u>	<u>\$ 119,850</u>
Total Award of Construction Contract:		\$ 119,850

  
and be it further  
  
RESOLVED, that the sum of \$20,000 be allocated to a Construction Contingency Fund with authorization for the County Executive to approve change orders in an amount not to exceed the Contingency Fund; and be it further  
  
RESOLVED, that deduct change orders will result in these funds being returned to the Construction Contingency Fund; and be it further

RESOLVED, that the Comptroller’s Office be authorized to make payment for the above from SAP Project A.17009 – 2017 Preservation of County Highway Facilities (Countywide) for a total amount not to exceed \$139,850; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Commissioner’s Office, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.  
(5-0)

3. COMM. 7E-19 (2018)  
**COUNTY EXECUTIVE**

WHEREAS, pursuant to Legislative Comm. 17E-18 (2016) Contract No. 22 was awarded to Yarussi Construction, Inc. for general construction work for the Eastern Hills Pumping Station (P.S.) Upgrades project located in Erie County Sewer District No. 5; and

WHEREAS, the Erie County Division of Sewerage Management has advised that all scheduled improvements are now completed; and

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 22, in the final contract amount of \$92,400.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 22 between the County of Erie and Yarussi Construction, Inc. (5650 Simmons Ave., Niagara Falls, NY 14304) is accepted in the final contract amount of \$92,400, as allocated in Erie County Sewer District No. 5 Project C.00035; and be it further

RESOLVED, that the Erie County Comptroller be directed to make final payment for Contract No. 22 to Yarussi Construction, Inc. for a total contract amount of \$92,400; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy each to the County Executive, the Erie County Comptroller, the Director of Budget and Management, and Kristen Walder, Assistant County Attorney; and two (2) certified copies of this resolution to Joseph L. Fiegl, P.E., Department of Environment and Planning.  
(4-0) Chair Savage not present for vote.

4. COMM. 7E-28 (2018)  
**COUNTY EXECUTIVE** **AS AMENDED**

WHEREAS, the Erie County Department of Environment and Planning has received the following lowest responsible bid for Contract No. 50 at 2:00 p.m. on April 11, 2018:

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount</u>
Contract No. 50	Kandey Company Inc. 19 Ransier Drive West Seneca, NY 14224	\$240,549.00

and

WHEREAS, the aforementioned lowest responsible bidder has been recognized in the past as a reputable contractor capable of completing this project; and

WHEREAS, the Division of Sewerage Management has determined that this project is a Type II action in accordance with 6NYCRR Section 617.5(c) and therefore is not subject to State Environmental Quality Review Act review under New York State Environmental Conservation Law; and

WHEREAS, there are adequate cash reserves in Erie County Sewer District No. 6 Capital Bond Account C.00064.

NOW, THEREFORE, BE IT

RESOLVED, that the Abbott Road Inverted Siphon Replacement, Erie County Sewer District No. 6, Contract No. 50 be awarded as follows:

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount</u>
Contract No. 50	Kandey Company Inc. 19 Ransier Drive West Seneca, NY 14224	\$240,549.00

and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute the Contract with the aforementioned lowest responsible bidder, subject to approval as to form by the County Attorney’s office and approval as to content by the Commissioner of Environment and Planning; and be it further

RESOLVED, that the County Comptroller is authorized and directed to allocate \$260,000.00 from Erie County Sewer District No. 6 Capital Bond Account C.00064 for Contract No. 50; and be it further

RESOLVED, that any unused capital reserve funds will be returned to the Erie County Sewer District No. 6 Capital Bond Account C.00064 and budget for the Capital Bond Account C.00064 will be adjusted accordingly; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one certified copy each of this resolution to the County Executive, the Director of Budget and Management, the County Comptroller, and Kristen Walder, Assistant County Attorney; and two (2) certified copies to Joseph L. Fiegl, P.E., Department of Environment and Planning, Rath Building, 10<sup>th</sup> Floor.  
(4-0) Chair Savage not present for vote.

5. COMM. 7E-38 (2018)  
**COUNTY EXECUTIVE**

WHEREAS, the Erie County Department of Environment and Planning (DEP) has played a crucial role in pollution prevention and sustainability issues throughout the region for decades; and

WHEREAS, DEP is committed to promoting pollution prevention, energy conservation, resiliency to impacts from climate change within the County; and

WHEREAS, New York State Department of Environmental Conservation (NYSDEC) has established a program called Climate Smart Communities to recognize local governments that achieve specified sustainability criteria; and

WHEREAS, in 2014 Erie County pledged to become a Climate Smart Community (COMM 12-E-5); and

WHEREAS, Erie County has been awarded \$99,771 by NYSDEC to support efforts to certify Erie County as a Climate Smart Community; and

WHEREAS, execution of the project work plan in accordance with the contractual requirements set forth by the granting agency necessitates the following grant funded staff position: Senior Environmental Compliance Specialist (JG 12); and

WHEREAS, this necessitates the execution of a contract with NYSDEC, the adoption of a grant budget, and the transfer of an existing Senior Environmental Compliance Specialist (JG-12) position within DEP, which will be 100% grant funded.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive or the Deputy County Executive is hereby authorized to execute the necessary agreements to accept a grant of \$99,771 from NYSDEC for the purpose of establishing an “Erie County Climate Smart Community Certification” project; and be it further

RESOLVED, that the grant budget and project period for the “Erie County Climate Smart Community Certification” project is hereby created in the Department of Environment and Planning, Business Area 162, as follows:

Erie County Climate Action and Sustainability Plan (March 8, 2017 to March 7, 2022),  
SAP Grant Account #162ECCSCC1722

REVENUE:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
409000	State Aid Revenue	<u>\$99,771</u>
TOTAL REVENUE		\$99,771

APPROPRIATIONS:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
500000	Personnel Services	\$66,151
502000	Fringe Benefits	\$ 28,770
510100	Out of Area Travel	\$ 2,000
516020	Professional Services	\$ 2,350
530000	Other	<u>\$ 500</u>
TOTAL APPROPRIATIONS:		\$99,771

and be it further

RESOLVED, that the following position which is 100% grant funded will be transferred from the Erie County Climate Action and Sustainability Plan Project (SAP Grant Account 162ECCASP1517) upon consumption of the budget for that project:

Senior Environmental Compliance Specialist (JG-12)  
B-100 No. 10181  
Budgeted Annual Salary: \$65,000

and be it further

RESOLVED, that the following position will be eliminated once applicable funding from grants 162ECCASP1517 and 162ECCSCC1722 has been utilized; and be it further

RESOLVED, that the Director of the Division of Budget and Management is hereby authorized to implement any budget adjustments as required to comply with State and local funding requirements; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive; the Director of the Division of Budget and Management; the County Attorney; the County Comptroller; Thomas R. Hersey, Jr., Commissioner of Environment and Planning; Bonnie Lawrence, Deputy Commissioner of Environment and Planning; and Josh Wilson, Coordinator – Pollution Prevention Program.  
(5-0)

6. COMM. 7E-44 (2018)  
**COUNTY EXECUTIVE**

WHEREAS, the County recognizes the need to properly train its employees to protect their health and well-being, and to comply with applicable state and federal regulations; and

WHEREAS, Erie County’s Division of Sewerage Management has applied for funds from the Western New York Council on Occupational Safety & Health through a New York State Department of Labor Hazard Abatement Board training grant.

NOW, THEREFORE, BE IT

RESOLVED, that an agreement between the County of Erie and the Western New York Council on Occupational Safety & Health to provide health and safety training to the Division of Sewerage Management and Sewer District employees is hereby approved; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute said agreement subject to approval as to form by the County Attorney and as to content by the Commissioner of Environment and Planning; and be it further

RESOLVED, that the Clerk of the Legislature be authorized and directed to send one certified copy each to the County Executive, the Director of Budget and Management, the Erie County Comptroller, and Kristen Walder, County Attorney; and two certified copies of this resolution to Joseph Fiegl, P.E., Deputy Commissioner, Department of Environment and Planning.  
(5-0)

7. COMM. 7E-46 (2018)  
**COUNTY EXECUTIVE**

WHEREAS, Erie County desires to improve water quality at Big Sister Creek and Bennett Beach; and

WHEREAS, Erie County Department of Environment and Planning (DEP) was awarded a \$25,000 grant from Stony Brook University (SBU) to conduct the Big Sister Feasibility Study and Design Project (SAP Grant Account 162-BSFSADP1718); and

WHEREAS, the County executed a contract with SBU in 2017 for the project with a term of March 1, 2017 through May 31, 2018 as authorized by 2017 by Comm. 2E-21; and

WHEREAS, DEP has determined that project outcomes will be best achieved by executing a no-cost extension to the contract through December 31, 2018; and

WHEREAS, this project is only for professional services and has no impact on County staffing or staff costs; and

WHEREAS, no County funds will be necessary for Erie County to extend this project; and

WHEREAS, legislative approval is required to execute a no-cost extension for this project.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to execute the necessary agreements to extend the “Big Sister Feasibility and Design Project” for seven months (May 31, 2018 to December 31, 2018); and be it further

RESOLVED, that certified copies of this resolution shall be furnished to the Office of the County Executive; the Director of the Division of Budget and Management; the County Attorney; the County Comptroller; Thomas R. Hersey, Jr., Commissioner of Environment and Planning; and Peter J. Wilson, Coordinator – Pollution Prevention Program.  
(5-0)

8. COMM. 7E-47 (2018)  
**COUNTY EXECUTIVE**  
WHEREAS, the Erie County Department of Environment and Planning (DEP) provides technical assistance to municipalities to assist them in complying with environmental regulations; and

WHEREAS, the State of New York, through its Department of Environmental Conservation, provides financial aid for stormwater compliance assistance projects; and

WHEREAS, the State of New York, through its Department of Environmental Conservation, granted Erie County \$181,840 to commence the WNY Stormwater Coalition (WNYSC): GIS Coordination Project; and

WHEREAS, the local match will be provided by Erie County DEP staff and the WNYSC membership in in-kind services; and

WHEREAS, execution of the project work plan in accordance with the contractual requirements set forth by the granting agency necessitates creation of the following grant funded staff position: Planner – Geographic Information Systems (JG 11).

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive or the Deputy County Executive is hereby authorized to execute an agreement with the New York State Department of Environmental Conservation to accept \$181,840 in grant funding for the WNY Stormwater Coalition: GIS Coordination Project; and be it further

RESOLVED, that the County Executive or the Deputy County Executive is hereby authorized to execute an agreement with the Research Foundation of SUNY at Buffalo State College for student interns to assist with the WNY Stormwater Coalition: GIS Coordination Project, in an amount not to exceed \$5,000 in grant resources; and be it further

RESOLVED, that the grant budget and project period for the WNY Stormwater Coalition: GIS Coordination Project is hereby created in the Department of Environment and Planning, Business Area 162, Fund 281 as follows:

WNY Stormwater Coalition: GIS Coordination Project  
(Grant Period: 6/1/18 – 12/31/21), SAP Grant Account #162WNYSCGISCP1821

REVENUE:

<u>Account Description</u>	<u>Budget</u>
409000 State Aid Revenue	(\$181,840)

TOTAL REVENUE (\$181,840)

APPROPRIATIONS:

<u>Account Description</u>	<u>Budget</u>
500000 Personnel Services	\$ 108,938
502000 Fringe Benefits	\$ 66,402
516020 Professional Service Contract	\$ 5,000
561410 Lab & Technical Equipment	\$ 1,500
	\$ 181,840

TOTAL APPROPRIATIONS \$181,840

and be it further

RESOLVED, that the following position which is 100% grant funded will be created:  
Planner – Geographic Information Systems (JG 11): B-100 No. 10191  
Budgeted Annual Salary: \$48,198

and be it further

RESOLVED, that this position will be eliminated once grant funding has been exhausted; and be it further

RESOLVED, that the Director of the Division of Budget and Management is hereby authorized to implement any budget adjustments as required to comply with State and local funding requirements; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive; the Director of the Division of Budget and Management; the County Attorney; the County Comptroller; Thomas R. Hersey, Jr., Commissioner of the Department of Environment and Planning; and Bonnie Lawrence, Deputy Commissioner of the Division of Environmental Compliance Services.  
(5-0)

**JOHN BRUSO**  
**CHAIR**